

Decision and Finding of No Significant Impact

Wildlife Services' Implementation of the 2006 Oregon Cougar Management Plan

United States Department of Agriculture, Animal and Plant Health Inspection Service

July, 2007

1. Introduction

The State of Oregon, Department of Fish and Wildlife (ODFW) has requested the assistance of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (Wildlife Services) to help implement a portion of the 2006 Oregon Cougar Management Plan (CMP) that calls for administrative cougar removal (localized population reduction). Administrative removal will help the ODFW manage conflicts between cougars and human interests in Oregon while maintaining a viable cougar population.

Wildlife Services cooperated with ODFW, Oregon State Police (OSP), and Oregon Department of Agriculture (ODA) to develop an Environmental Assessment (EA) entitled Wildlife Services' Implementation of the 2006 Oregon Cougar Management Plan (March 2, 2007). The EA presents an analysis of the potential impacts of the proposed program to assist the state with its request, and a no action alternative. While other alternatives were considered, the EA only assessed in detail the proposed alternative and the no action alternative. The remaining alternatives were not assessed in detail in this EA because they did not meet the criteria that the state established for selective population reduction and they were not options that Wildlife Services could select. As noted in the EA, Wildlife Services evaluated other alternatives to resolve individual cougar damages in other NEPA documents and already provides an integrated cougar damage management program which responds to individual complaints. The 2007 EA explains that Wildlife Services was presented with a request to assist the state with a specific aspect of the CMP which involved administrative removal to enhance other management schemes. I have reviewed the March 2, 2007 pre-decision EA and the public comments on the EA, and I have decided to adopt the pre-decision EA as final, adopt the proposed action as described in the EA and issue this Finding of No Significant Impact (FONSI).

Purpose

The purpose of the selected action is to assist the state with meeting its management objectives for reducing conflicts with cougars. The need for action as described in the EA presents the nature of cougar damages and threats that are occurring in Oregon. Because the State of Oregon has already adopted the 2006 CMP, and the CMP outlines specific objectives for meeting the state's cougar management goals, the purpose as defined in the EA, is to assist the state with the one aspect of the CMP that it requested of Wildlife Services. The EA summarized how the CMP defined specific criteria which would indicate where, when and how many cougars would be removed from specific management zones. Initially, three specific locations were identified where administrative cougar management would occur.

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2. New Information

New information has been obtained since issuing the March 2, 2007 pre-decision EA which warrants consideration in the decision:

The State of Oregon began implementing administrative cougar removal prior to the issuance of Wildlife Services' NEPA decision to assist. As of the date of this decision, ODFW has administratively removed 20 cougars from the Heppner management unit and six cougars from the Jackson County unit. The potential for ODFW to take action in the absence of the Wildlife Services program was evaluated in the impact analysis contained in the EA.

The Oregon legislature passed House Bill 2971 during the 2007 legislative session. The bill allows ODFW to use volunteer agents to use dogs to pursue cougar. The Governor signed the bill into law on June 29, 2007 and it will go into effect on January 1, 2008. This will open the possibility that the State of Oregon could use volunteer houndsmen to administratively remove cougars under the 2006 Oregon Cougar Management Plan. While a number of administrative factors would determine whether or not ODFW would use volunteers, the potential for cougar take from all known sources has been factored into the cumulative impacts analysis in the EA and would not change the analysis.

3. Issues

The following issues were identified during the interagency and public involvement processes during the development of the EA:

- Impacts on cougar populations
- Impacts on non-target species including pets, federally protected species, and direct and indirect effects on other wildlife.
- Social considerations including perspectives on humaneness and animal welfare and aesthetic values.
- Economic considerations
- Effects on hunting opportunities

These issues were determined to be important to Wildlife Services, the cooperating agencies and the public, and were used to drive the environmental analysis and compare the impacts of the alternatives.

4. Decision and Rationale

The alternative courses of action were developed based on the only two choices that could be made by Wildlife Services, either to assist the state with administrative removal as outlined in the 2006 Oregon Cougar Management Plan and as defined in the EA as the Proposed Action, or

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to decline the request (as evaluated under the No Action Alternative). The two alternatives were analyzed in the EA against the issues noted above in item 3. Other alternatives were considered but rejected from detailed analysis for the reasons presented in the EA. Following is a summary of the effects of the alternatives evaluated in detail in the EA.

Alternative 1: Proposed Action

The proposed action will allow Wildlife Services to administratively remove cougars from specific locations identified by ODFW based on objectives summarized in Chapter 1 of the EA, and detailed in the Oregon Cougar Management Plan (CMP) (ODFW 2006, Chapter V). The maximum number of cougars that Wildlife Services will administratively remove at full working capacity under the Oregon Cougar Plan will not exceed 200 animals per year. As described in the EA, administrative removal of cougars is intended to reduce localized populations to manage conflicts while maintaining a healthy cougar population in the state. The cumulative and indirect effects on the cougar population in Oregon is not likely to cause a substantial decline to the cougar population on the Statewide level when combined with other expected forms of mortality (cumulative impact), and is well within levels established for a sustainable cougar population. The proposed action is not expected to have a significant effect on non-target species and will have either no effect or will not be likely to adversely affect threatened and endangered species including the Canada lynx and gray wolf. While some people are opposed to the capture and killing of cougars for any reason, the best available methods will be used to minimize pain and suffering. The proposed action is not likely to affect the general public's visual enjoyment of cougars in their natural habitats but may reduce some localized hunting opportunities if administrative control is conducted in areas accessible to hunters. No federal funds will be used to implement this action. Some people are opposed to state or sportsmen's funds being used to administratively remove cougars. The proposed action is expected to benefit the livestock industry and provide economic benefits from improved game management. No significant environmental effects were identified.

Alternative 2: No Action Alternative

The "No Action" Alternative is a procedural NEPA requirement (40 CFR 1502.14(d)). Alternative 2 would result in no action taken by Wildlife Services to assist the State of Oregon with administrative removal of cougars under the 2006 Cougar Management Plan. While Wildlife Services would have no effect on the environmental issues examined in the EA (cougar populations, non-target animals, social and economic effects, and hunting opportunities), the effects are expected to be similar since ODFW has taken steps to initiate administrative removal and has indicated that it would do so in the absence of Wildlife Services' assistance. Wildlife Services will continue to implement a responsive cougar damage management program in which it responds to individual requests for assistance and attempts to resolve conflicts with individual cougars. The responsive damage management activity was not included in the scope of

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analysis in the EA since it has been evaluated in other environmental documents. The analysis in the EA showed that existing management actions were not sufficient to meet cougar conflict management goals. The No Action Alternative was not selected because Wildlife Services believes that the Proposed Action is sound and necessary to manage cougar conflicts, and the No Action Alternative would not fulfill its legislative authority to use its expertise to assist the State of Oregon with its cougar damage management goals.

5. Public Involvement

Public participation in the National Environmental Policy Act (NEPA) process for the EA was conducted consistent with Wildlife Service's NEPA procedures and has three major components. Issues related to the proposed action were identified from: 1) agency, focus group, and public involvement processes during CMP development; 2) interagency meetings after CMP adoption by the Oregon Fish and Wildlife Commission; and 3) Wildlife Service's own public outreach process on the pre-decision EA which included direct mailing notices to potentially interested parties, posting a notice and the pre-decision EA on the APHIS-Wildlife Services website, and publishing legal notices in the Oregonian, East Oregonian, Statesman Journal, Bend Bulletin, and Medford Mail Tribune newspapers announcing the availability of the pre-decision EA for comment. The three steps are discussed below:

1. The 2006 Oregon Cougar Management Plan took over a year to develop, involved meetings with the Oregon Fish and Wildlife Commission, agency meetings, and 10 public meetings. ODFW carefully considered input from peers, stakeholder groups and the public in the development of the CMP. Wildlife Services was a participant in focus group meetings. The focus groups were comprised of a diverse membership representing individuals and organizations with a broad spectrum of opinions, philosophies and values on how natural resources in Oregon should be managed. The focus group analyzed the numerous public comments collected by ODFW and helped identify where ODFW needed to do more analysis to respond to public comments. The draft CMP also received external peer review. Wildlife Services also reviewed public comments on ODFW's 2005 Cougar Management Plan. The draft CMP was made available to the public for review and comment from August 12, 2005 to November 20, 2005. Since Wildlife Services proposed action is one of the action items of the CMP, some of the comments on the CMP were seen as relevant to Wildlife Services' proposal and were considered as part of Wildlife Services' NEPA scoping process. Substantive comments from the CMP that related to Wildlife Services actions were considered in the development of this EA.
2. Wildlife Services formed an interdisciplinary team with its cooperating agencies who have jurisdiction by law or special expertise. The cooperating agencies, Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Agriculture (ODA), and Oregon State Police (OSP), participated in the development of a draft EA. All agency comments have been considered in the development of the pre-decision EA.

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3. The March 2, 2007 pre-decisional EA has been made available to the public by directly mailing notices of the availability of the EA to all people who have expressed interest in this or similar Wildlife Services activities, by posting the pre-decision document and notice of its availability on the Wildlife Services website http://www.aphis.usda.gov/wildlife_damage/nepa.shtml, and by issuing legal notices in general circulation newspapers (Oregonian, East Oregonian, Statesman Journal, Bend Bulletin, and Medford Mail Tribune) announcing its availability. Wildlife Services received 16 public comment letters and has considered all comments. A summary of the public comments and responses is contained in the Attachment. Everyone who provided written comments on the March 2, 2007 pre-decisional EA will receive a notice of availability of this Decision document. Notices of the availability of this decision will be placed in the same newspapers that announced the availability of the pre-decision EA. This decision document will also be posted on the Wildlife Services website.

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FINDING OF NO SIGNIFICANT IMPACT

A careful review of the EA indicates that there will not be a significant impact on the quality of the human environment as a result of this proposal. I agree with this conclusion, and therefore, determine that an Environmental Impact Statement (EIS) will not be prepared. This determination is based on consideration of the following factors:


1. The proposed activities will occur in localized areas within specific cougar management zones in Oregon as directed by ODFW and as specified in the objectives of the 2006 Oregon Cougar Management Plan. The proposed activities are not national or regional in scope.
2. The proposed activities will not significantly affect public health and safety. The methods used to control cougars are target specific and are not likely to affect public health and safety.
3. The proposed activities will not have an impact on unique characteristics of the geographic area such as historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. The nature of the methods proposed for administratively removing cougars do not affect the physical environment.
4. The effects on the quality of the human environment of the proposed activities are not highly controversial. Although some people are opposed to some aspects of administrative cougar removal, the methods and impacts are not controversial among experts.
5. The possible effects of the proposed activities on the quality of the human environment are not highly uncertain and do not involve unique or unknown risks. An adaptive management strategy is built into the 2006 Cougar Management Plan so that the cumulative effects of the proposal would not adversely affect the viability of the cougar population in Oregon.
6. The proposed activities do not establish a precedent for actions with future significant effects or represent a decision in principle about a future consideration.
7. There are no significant cumulative effects identified by this assessment. All administrative cougar removal will be coordinated with ODFW and will stay within ODFW management objectives set for cougars.
8. The proposed activities will not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor will it cause

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a loss or destruction of significant scientific, cultural, or historical resources.
Administrative cougar removal does not have the potential to affect historic properties.

9. The proposed activities will fully comply with the Endangered Species Act of 1973, as amended. The proposed activities would either have no effect, or would not be likely to adversely affect federally listed threatened and endangered species.
10. There are no irreversible or irretrievable resource commitments identified by this assessment, except for a minor consumption of fossil fuels for routine operations.
11. The proposed activities will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

For additional information concerning this decision, please contact David Williams, State Director, USDA-APHIS-Wildlife Services, 6135 NE 80th Avenue, Suite A-8, Portland, Oregon 97218.



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ATTACHMENT

Summary of Public Comments and Responses on the March 2, 2007 Environmental Assessment Wildlife Services' Implementation of the 2006 Oregon Cougar Management Plan

A. GENERAL COMMENTS

1. Individual opposed to killing cougars, opposed to proposed action.

We acknowledge that many people are opposed to killing wildlife. We also acknowledge that the subject is sensitive due in part to the highly charismatic nature of cougars, and due to its importance in the ecological landscape.

2. In favor of proposed action

Thank you for your comments.

3. ODFW CMP and WS EA violate measure 18. Measure 18 was not intended to allow for proactive cougar removal. EA should clarify voters wishes in Measures 18 and 34.

Measure 18 was discussed in the EA in Section 2.1.2 and again under Section 1.7.2 which states: "A 1994 ballot measure (Measure 18) eliminated the public use of dogs for cougar hunting. . . . Another ballot initiative in 1996, Measure 34 that would have repealed Measure 18 and re-instituted the use of dogs for public cougar hunting failed to pass. Thus, the citizens of Oregon have twice voted that sport hunters shall not use dogs to pursue cougars." Because neither this EA or the CMP proposes public sport hunting of cougars with dogs, the EA and CMP are both consistent with statute imposed by Measure 18 (498.164) that states: "(2) Nothing in subsection (1) of this section prohibits the use of bait or one or more dogs by employees or agents of county, state, or federal agencies while acting in their official capacities."

4. ODFW should provide additional funding to cover proposed actions.

Thank you for your comment. ODFW has the option to provide WS with funding necessary to implement the proposed action as defined in the EA.

5. Opposes ODFW CMP. CMP is scientifically and ethically flawed.

Several specific comments on the ODFW CMP which apply to the WS EA are contained herein.

6. Cougar control is needed throughout the state not just in selected areas. Insufficient number of cougars will be removed.

ODFW will use the stated objectives in the CMP and EA to determine when and where cougars are to be administratively removed. Additional damage management of individual problem cougars is another WS program which was not included within the scope of this EA.

B. COMMENTS ON OR RELATING TO THE PURPOSE AND NEED FOR ACTION

7. CMP/EA is based on misinformation, not best science/hunter groups/groups who want to kill cougars.

We disagree with this sentiment and believe that the CMP and EA are based on the best available information and that the program is intended to serve the interests of all persons affected by cougar threats or damages.

8. Few humans hurt/killed by cougars. No verified attacks/deaths in humans in Oregon. CMP would not prevent future attacks.

Section 1.2.2 discusses attacks on humans, noting that while attacks on humans are very rare there is concern of a growing threat.

9. Need for action is valid.

Thank you for your comment.

10. Human population (expanding) is the source of conflict. Should be more current and factored in to the benchmarks (1994 levels of lion population).

Conflict levels have increased with not only human population increases in some parts of the state, but also with the increased numbers of cougars and expansion of cougars into previously unoccupied habitats of human habitation. ODFW has set the objectives on the CMP per their authority and statutory obligation under ORS 496.012 (7) which states that one of the goals in State of Oregon's wildlife policy is: "To make decisions that affect wildlife resources of the state for the benefit of the wildlife resources and to make decisions that allow for the best social, economic and recreational utilization of wildlife resources by all user groups."

11. Purpose or objective of the proposal is to reduce cougar populations, not manage damages and threats to humans, not maintain minimum or viable population.

One comment suggested that the objective was to reduce the cougar population by 60 percent. This is neither the objective nor the consequence. The CMP does not propose reducing cougar populations from the 2003 level of 5100 to a minimum 1994 level of 3000 (which is 41 %). The first objective which would maintain the minimum population to any level above 3000 cougars is intended to be a safety net that would halt administrative removal if the level is reached. If conflict can be adequately controlled the cougar population can be at any level above 3,000 (see EA Section 1.4 and ODFW CMP Chapter V, Objective 1).

The CMP objectives are to reduce damages and threats and maintain a viable population of cougars in Oregon.

12. There is no need to reduce the cougar population if education, animal husbandry and select removal of offending cougars are used. Removing 200 cougars per year as directed by ODFW will not address the need for action because it is not based on complaints of livestock damage or human safety threats.

Cougar removal is based on complaints and verified livestock damage, pet and human safety threats, and threats to game populations. Education, animal husbandry suggestions, and selected removal of offending cougars has been used and is not sufficiently reducing conflicts in some areas.

There is no need for hound hunting. Hunters without hounds take more females and younger animals which is in line with the CMP.

Sport hunting with hounds is not proposed in this EA or the CMP. WS will use hounds to address conflict as identified by ODFW since this is often the most effective method for tracking and removing cougars. Section 1.2.1 notes that hunter harvest has not been sufficient to stem a growing cougar population in Oregon.

13. No evidence to suggest that conflicts related to cougar density.

Conflict levels have increased with increased numbers of cougars, expansion of cougars into previously unoccupied habitats of human habitation, and human population increases in some parts of the state.

14. Figure 1 reflects changes in agricultural and animal husbandry practices. If a decrease in lamb predation is not attributed to measure 18, then an increase in calf predation can't be either. Figure 1 fails to show 2006 data yet the caption claims data are available for 2006. Disclose 2006 data. Why have calf kills increased (are dogs being blamed?). This graph says nothing about the effect of cougars on livestock without other studies.

Section 1.2.2 in the EA discusses the possible reasons for the decline in sheep predation and an increase in calf predation. Figure 1 shows data up through 2005 with the caption referencing a NASS document that was published in 2006. Data were not available for 2006 in the 2006 publication. Dog predation is easily distinguished from cougar predation and is not likely to be shown on the survey results.

The results of NASS surveys are presented in the EA along with other sources of damage reports in section 1.2.2.

15. In which counties does WS not have programs? The EA needs to account for the discrepancies between WS figures and those of NASS (Sec. 1.2.2).

Wildlife Services has associations in 25 Oregon counties. NASS and WS damage figures are two separate reporting systems which are not recorded during the same time period or taken with the same methodology, therefore they are not integrated.

16. ODFW complaints not verified, not convincing. No safety and pet complaints verified. WS should show data of increased, verified conflicts, otherwise no purpose and need for action. Hunter groups have made false reports on a cougar hotline. Rise in reported sightings could be attributed to broader knowledge of reporting venue. How does ODFW determine what constitutes a threat? Ninety percent of reported cougar sightings that are investigated throughout the west are false Beier and Barrett (1993). Current system of taking complaints lacks discrimination, (second and third hand cougar sightings, lost pets, are recorded alongside valid damage reports), is not indicative of lion activity, and overstates conflicts..

Non-hunting mortality will be used as a primary measure of conflict and is discussed in Objective 2 (EA Section 1.4 and CMP Chapter V, Objective 2). The cougar management plan is not predicated on using sightings as a key indicator for initiating the plan.

As discussed in the CMP, ODFW recognizes that sighting complaints are often not verified. Because of these concerns, non-hunting cougar mortality (primarily cougars taken in response to conflict), not

reported sightings, are used as a primary measure of conflict when considering administrative cougar removal. Sightings have not been used as a measure of conflict as of 2000. Sightings are now compiled separately.

As specified in Appendix D in the CMP:

"Threat to human safety" means the exhibition by a cougar or bear of one or more of the following behaviors:

- (A) Aggressive actions directed toward a person or persons, including but not limited to charging, false charging, growling, teeth popping and snarling.
- (B) Breaking into, or attempting to break into, a residence.
- (C) Attacking a pet or domestic animal as defined in ORS 167.310.
- (D) Loss of wariness of humans, displayed through repeated sightings of the animal during the day near a permanent structure, permanent corral or mobile dwelling used by humans at an agricultural, timber management, ranching or construction site.

17. Livestock complaints have not increased since 1996. Human safety complaints are lower.

As detailed in the CMP, the number of livestock and human safety complaints are at high levels and warrant additional effort and resolution.

18. Figure 2. Total line bars are substantially higher than the sum of its parts. Redo or explain. What does safety mean in the figure?

Figure 2 has been corrected and is shown in Attachment A. Sightings were separated out from complaints in 2000 and so there is a separate representation of sightings for years 2000 - 2003. The data used to create the graph are from the CMP, Table 8. Safety is in reference to human safety.

19. Complaints may have decreased because of education and technical assistance.

This is noted in the EA which states: *Because depredation control has not declined, human safety complaints may have declined due to a more specific definition of sightings vs. damage, and because technical or direct assistance may have already been provided so no further complaints were filed.*

20. Complaints of increased damages are biased since they are from ranchers and damage control agents. Complaints are due to human population, media, social tolerance and livestock numbers, not cougar population size.

The CMP notes that communications with ranchers, damage control agents, and people that live in the forest/residential interface suggests that conflicts are continuing to increase in most parts of the state. The CMP Chapter V, and the EA Section 1.2 note that the increase in cougar complaints is due to both the increase in the cougar population and an increase in human development.

21. Damage by male lions would not be resolved by the cougar management plan.

The CMP does not target females only.

22. Cougars don't pose a threat to game unless the game population is too small or you are attempting to establish a population. EA provides insufficient evidence that mountain lions are limiting ungulate populations in Oregon.

ODFW will determine which game populations are not meeting management objectives based upon numerous criteria as discussed in the CMP, which could then result in administrative removal of cougars. The EA in Section 1.2.3 summarizes how cougars in Oregon are limiting ungulate populations. More information is contained in the CMP in Chapters II and III.

23. Cougar control may cause an increase in disease in bighorn sheep.

Disease is not a result of removing predators in a low density reestablished bighorn sheep population.

24. Expand on cougar and bighorn sheep population dynamics.

When bighorn sheep are relocated, some of the bighorns are fitted with transmitters which have a mortality sensor that changes the signal if the animal does not move for a designated period of time. Biologists locate carcasses at their earliest opportunity after a mortality signal is heard. From these studies cougars have been identified as a major cause of mortality to bighorn sheep on Steens Mountain, Hart Mountain, and other areas. For more discussion of the interaction between cougars and bighorn sheep, the reader is referred to the CMP Chapter II, Food Habits and Interaction with Ungulates.

25. Cougar are not responsible for bighorn sheep declines, the decline in mule deer is responsible.

Mule deer are included in the Purpose and Need for Action. Removing cougars that are preying on a bighorn sheep population would benefit both prey species which are in need of recovery.

26. Are bighorn sheep being reestablished for hunting or because they are threatened? What is low elk calf survival? Are population levels of elk, bighorn sheep, deer and other game species being maintained for the interest of hunters?

See EA Section 1.7.1 Authority of Federal and State Agencies regarding the policy of the State of Oregon (ORS 496.012 Wildlife Policy) to manage wildlife. ODFW has an obligation to manage wildlife to benefit multiple interests. In 2007 the bighorn sheep population in Oregon is estimated at 4,000-5,000 and 92 tags were authorized for public hunters, plus 5 for tribal hunters. While hunting opportunity is very limited, untold thousands of people view bighorns along the John Day and Deschutes rivers, in the mountain ranges of eastern Oregon, and from Interstate 84 between the John Day River and Arlington.

27. Low levels of bighorn sheep will not support cougars, therefore no cougar control is needed. Cougars are keeping bighorn sheep at their natural historical levels. Address disease and other issues first. Mountain goat information is not specific enough to create need for action.

Because cougar are generalist predators, feeding on a variety of prey, they inhabit many areas where there are no bighorns sheep. Because of alternate prey, cougar could eliminate all bighorn sheep in an area and continue to inhabit the area. Bighorn sheep and mountain goats are a natural part of the cougar prey base. WS' position is that the ODFW has the expertise and jurisdiction to best assess and determine the appropriate levels of bighorn sheep and other ungulate species in Oregon. Disease management is part of ODFW's bighorn sheep management plan and is outside of the scope of this EA (EA Section 1.2.3.).

28. Disagree with the statements that issues are statewide. Issues are site specific, not statewide (e.g. livestock vs. urban, vs. game).

The comment refers to this statement in the EA under 1.3 Location: "Most issues that could arise from removing cougars are not unique to specific locations. Therefore assessing the effects of cougar removals on a statewide basis is a reasonable scope of analysis". Environmental *issues* can be thought of as the existing environment or the resources that might be affected by the proposed action, (Section 3.1, Issues driving the analysis), such as effects on the cougar population or effects on social values. Issues do not generally include the resources protected such as livestock or game. Where issues are more site specific (such as effects on the cougar population in different cougar management zones), they are assessed on a more localized level in addition to a statewide level.

29. Why is work proposed on NFS and BLM lands?

Ungulate populations and livestock present on these lands which exhibit excessive predation may in part determine the need for administrative control and cougar management zones include public lands. In addition, cougars may be captured on these lands if adjacent lands have excessive levels of damage.

30. State already allows lethal control of offending cougars. Why does the population need to be reduced?

Current individual removals along with education, technical assistance, hunting, and revision of state statutes for damage resolution involving human safety, have not sufficiently reduced conflicts in some areas.

31. Since passage of Measure 18, more cougar and bear tags have been sold than ever before.

Although the number of tags sold has increased, hunter success has decreased significantly. The number of tags sold and the hunter success rate is discussed in the CMP. The EA Section 4.1.4 notes that the state has increased the number of tags in hopes of increasing hunter take. Section 1.2.1 also notes that cougar populations have continued to expand even with increased levels of take associated with increased hunting effort.

32. Illegal hound hunting (cougars and bears) is not being enforced. Cites a bear hunt.

Illegal cougar kill is discussed in the CMP in Chapter III and considered under total mortality.

33. The year 1994 for the target number of cougars is arbitrary. Why was this date chosen? Cougar populations should be maintained at current levels because they are now stable after rebounding from historic lows at the beginning of the 20th Century.

The 1994 and 2000 levels chosen by ODFW are based on the belief that cougar populations at that level were healthy and conflict was at socially acceptable levels in respective Cougar Management Zones. The cougar population in Oregon is not stable and continues to increase.

34. Deer and elk populations are elevated over historic levels and it is likely they have peaked and are on a natural decline. Forage/habitat has been reduced by overgrazing by native ungulates and livestock and by human development. Chronic wasting disease is linked to overpopulation of deer and elk. Killing cougars will not resolve these root issues. Native

predators are better at moderating ungulate herds than are humans. Reduce number of tags if elk/deer populations are low.

ODFW has set criteria for the management of deer and elk and these plans are outside of the authority of WS and not within the scope of the EA. ODFW makes the determinations for the interaction between individual species management plans as noted in the EA in Sections 1.2, and 1.6. Based on ODFW monitoring, CWD is not present in Oregon and is not considered an issue at this time for Oregon's deer and elk populations. ODFW has Management Objectives or Benchmarks for deer and elk and has reduced hunting opportunity as populations have declined, regardless of the reason for the decline.

35. WS use of graphic photos in the EA shows biased decision making.

The photographs are used to illustrate typical damages as they occur on a routine basis in the State of Oregon.

36. No evidence to suggest that predation on pets threatens humans, therefore predation on pets and human safety complaints should be separate categories.

ODFW has combined predation on pets with human safety due to the close proximity of companion animals to humans. The CMP and WS' EA have made it clear that attacks on humans are extremely rare in the western United States, yet they are on the rise, as is predation on pets.

C. COMMENTS ON THE ISSUES OR ENVIRONMENTAL RESOURCES THAT COULD BE AFFECTED

37. Cougars are native and have been here longer than we have.

Thank you for your comment.

38. Ranchers using public grazing lands must let voters set the parameters for its use. Who manages wildlife?

Federal land management agencies must manage public lands for multiple uses as directed by Congress. By statute, ODFW manages resident wildlife in Oregon on behalf of its citizens for multiple uses and demands as directed by the Wildlife Policy, ORS 496.012.

39. Hunting fees pay ODFW wages and expenses (conflict of interest)

ODFW wages and expenses come from a combination of state general funds, sportsman's dollars, and federal funds. Through implementation of the CMP, ODFW is fulfilling the specific responsibilities and authorities of ODFW as set in statute. Thus, this does not represent a conflict of interests for WS and/or ODFW.

40. A proactive population reduction strategy is unethical.

The EA and CMP acknowledge that some people may have this sentiment (see Section 4.1.3, Wildlife Values and Ethical Perceptions of Cougar Damage Management). In addition, during the development of the CMP, ODFW used focus groups that were comprised of a diverse membership representing

individuals and organizations with a broad spectrum of opinions, philosophies and values on how natural resources in Oregon should be managed.

- 41. Methods used will not be humane. Leg-hold traps are indiscriminate, cruel, and do not meet AVMA standards. Neck snares are inhumane. Death is slow and painful. Commenter concerned with non-target effects. Tranquilizers can be used in conjunction with modified neck snares, or other modifications can reduce injuries. Dogs used for hunting are put at risk of injury from cougars.**

These issues were addressed in the EA in Section 3.1 and 4.1.3. WS plans to use the best and most humane management options which are legal and available under current laws and policies.

- 42. EA is inadequate because it and WS EIS do not address the impact of hound hunting.**

The comment is made in reference to the use of dogs for administrative removal. The EA discusses the effects of using dogs in Section 4.1.2, Effects on Non-target Species Including Threatened and Endangered Species, and Section 4.1.3 Social Values.

- 43. The views of people who have an ecological perspective were not considered (Wildlife Values and Ethical Perspectives). All living beings have a right to living in a thriving and healthy environment. Humans are throwing the ecological balance askew.**

WS has considered this issue in Section 3.2, Impacts on Biodiversity.

- 44. The proposed action could take threatened or endangered species such as lynx, grey wolf, Pacific fisher, or other non-target species in traps or snares.**

Effects on non-target species including threatened and endangered species are discussed in the EA in Section 4.1.2. We expect no effect on the Pacific fisher, a candidate species.

- 45. Many people value the opportunity to witness cougars in the wild.**

The EA considers people's opportunity to view cougars in Section 3.2 under Effects on Wilderness, Wilderness Study Areas, National Parks, State Parks and National Monuments and in Section 4.1.3 Social Values, under the subheading impact of cougar removal on the public's aesthetic enjoyment of cougars.

D. COMMENTS ON THE ALTERNATIVES

- 46. Let nature take its course.**

Management of wildlife is an ODFW statutory obligation. This alternative would not meet the purpose and need as stated in the EA.

- 47. Support No Action**

Thank you for your comment.

- 48. Protect wildlife with funds for proposed action.**

One of the main purposes of the CMP is to help protect wildlife species.

49. Manage pets/livestock so they are protected/not vulnerable. Better animal husbandry is needed to reduce predation on livestock.

The EA notes that ODFW has plans to take actions to provide for public education and non-lethal approaches to cougar management, but has requested Wildlife Services assistance with administrative cougar removal in areas with historically high conflict.

50. Term “administrative removal” is misleading, should be replaced with “lethal cougar removal” or “administrative cougar killing” per commonly understood definitions. The term dispatch should not be used, should use kill. EA states that proposed action administrative removal is a last resort but elsewhere states it is proactive. This is contradictory/confusing.

The EA applies the terminology used by wildlife managers to maintain consistency in terminology. The term “administrative removal” is defined in the Introduction of the EA (Section 1.0).

Administrative removal is a *last resort* management action in that it will be applied after education, landowner actions, sport hunting, and reactive depredation management have not sufficiently resolved conflicts. It is considered to be a *proactive* approach as compared with reactive depredation management. In the reactive depredation management approach, damages or specific threats occur before a cougar may be removed. In the case of administrative removal, cougars that may not have been identified as having specifically caused conflict could be targeted for removal *proactively*. The latter is based on a number of criteria that indicate damages and cougar numbers in a specific area are too high (see objectives in EA Section 1.4 and CMP Chapter V for criteria that triggers the proactive approach of administrative removal).

51. ODFW should have to implement the plan itself.

ODFW has taken steps to initiate administrative removal under the CMP.

52. Must have a non-lethal alternative including education/technical assistance/non-lethal measures and measures not using dogs. CMP encourages using non-lethal methods, new information and technology (CMP p. 46) so why are these not considered in the EA as an alternative?

A non lethal alternative was considered in the EA in Section 2.3. The reasons it was rejected from detailed analysis were also provided.

53. Several commenters proposed or preferred an integrated cougar damage management program which targets problem cougars by a professional if necessary, and includes non-lethal approaches (e.g. the existing integrated WS program).

Wildlife Services integrated cougar damage management program is an ongoing program which is dependant upon requests for assistance and outside funding. The program, which responds to individual complaints, was discussed in the EA under Sections 1.0, 1.4 (under scope of analysis), 1.6 and 2.3. An expanded version of the integrated cougar damage management program was considered in the EA (Section 2.3) but rejected from detailed analysis for the reasons provided.

54. Clarify that 200 cougars per year may be removed (not 200 total).

The EA places the maximum Wildlife Services administrative removal at up to 200 cougars annually.

55. Initiate plan when non-hunting mortality is below acceptable levels.

Non-hunting mortality being above acceptable levels is one of the factors that will trigger admin removal because this is an indicator of damage being above acceptable levels (CMP 2006).

56. If 66 cougars are targeted for removal, what is the source of the other 134 cougars since WS will remove 200 cougars. CMP sets arbitrary standards for determining when cougars would be killed. How can the public address the consequences if left to ODFW's discretion.

At present, three target areas have been identified which meet the criteria. A total of 66 cougars could be administratively removed from these target areas in the immediate future. A figure of 200 per year was used to provide room to remove additional cougars if ODFW determines that such removal is necessary based on the five objectives in the CMP (EA Sections 1.4 and CMP Chapter V). The CMP could call for removing cougars where conflicts with livestock and/or big game and/or pets and human safety are considered to be excessive. The EA at Section 1.4, Objectives, summarizes those levels considered excessive and the specific criteria guiding administrative removal. For a complete discussion of assumptions and rationale behind the specified objectives, see Chapter V, 2006 final Cougar Management Plan (ODFW 2006). The public has had opportunity to comment on the Oregon Cougar Management Plan and this EA. Oregon Department of Fish and Wildlife would notify the public through the public Commission meeting process, by providing information on the ODFW website, including maps of target areas, and through popular press releases.

57. Declining complaints should be a primary factor to end removal of lions.

As noted in Section 2.1.1, ODFW will use adult female age structure from all known mortalities along with damage conflicts to determine when to begin, change, and end administrative removal actions. Complaints are used only as a secondary factor for monitoring conflict.

58. Purpose & Need section is too narrow. Narrow choice of alts to meet purpose and need. Did not consider a reasonable range of alternatives. NEPA sufficiency has not been achieved when both alternatives have the same numbers of cougars that may be removed.

Alternative cougar damage management strategies which seek to resolve individual conflicts, and provide alternative means to resolve damages including education, technical assistance and non-lethal strategies have been assessed by WS in other NEPA documents. Under the 2006 Oregon Cougar Management Plan, WS was presented with a proposal by ODFW that involved administrative removal only. As such, the only new decision that WS can make at this time is either to implement administrative removal or not implement the administrative removal as provided in the 2006 CMP. Several alternatives were considered in the EA as shown in Section 2.3, and reasons were given why they were rejected from further analysis. Commenter did not offer any reasonably feasible alternatives that the EA failed to consider.

59. Confused by "purpose" versus "need for action".

The purpose of the proposed action is to assist ODFW with implementation of the CMP. The need for action provides the underlying reasons why the proposal is needed at this time as introduced in Section 1.2 and elaborated under Sections 1.2.1, 1.2.2, and 1.2.3.

60. Expanding the existing WS program would be less costly than removing 200 cougars per year per CMP. Removing cougars is costly.

No funding has been offered or allocated to expand the existing WS program in Oregon.

61. EA and CMP do not discuss existing cougar damage management techniques (hunting, landowner actions, and education (EA p. 29). CMP elaborates on the five objectives but does not discuss how management will occur, it focuses on monitoring numbers. Maximize hunting, landowner actions and education before any last resort is used. EA should describe how these techniques could be enhanced and used over time.

ODFW's management of hunting, landowner actions and education are discussed in the CMP, (the adaptive management process is detailed on pages 50-53 of the CMP) but are not within the scope of analysis of the EA.

62. Hunting should be used to reduce cougars in problem areas. ODFW has complete ability to regulate cougar populations by hunting. Substantiate claim that ODFW's ability to regulate cougar populations using hunting has been compromised.

See EA Section 1.2.1 and 4.1.4 discussing the role and success of hunting with dogs. Sport hunting in combination with other methods has not kept pace with cougar population growth and subsequent increases in conflict. Hunting with dogs is generally considered the most effective and selective method. Cougar hunter success rates have declined from 40% in 1994 with the use of dogs to 1 - 2% in 2003 without dogs (ODFW 2006).

63. Plan focus on killing female cougars is inhumane since there will be orphan kittens. Zoos don't want kittens.

The CMP does not focus on removing only female cougars. The proportion of adult females in the total known take is used as an index to level of impact on cougar populations; however, females are not selectively targeted. See EA Section 4.1.3 for discussion of effects on kittens and CMP Appendix C.

64. Killing females will not prevent young males from dispersing into atypical habitat.

The CMP does not target females. The proportion of adult females in the total known take is used as an index to level of impact on cougar populations. Young males disperse due to the natural behavior patterns of cougars.

65. Density data is old.

The reference is to a 1992 publication. No new information was suggested.

66. a. Population model flawed and cannot be used to assess effects of proposed action on the cougar population viability. Direct commenter to where the study is that determined the population status (5101 in 2003) (ODFW 2006) as noted in EA. Has study been peer

reviewed? Experts criticized that extrapolating a small study from Wyoming to our entire state is dangerous. CMGWG (2005) indicates that the model does not meet criteria for assessing cougar populations. Model will overestimate population (reference to letters by Drs. Beier and Pierce). Only removals of individual animals have been used to collect population data for the CMP. Kitten survival was not considered. Road kills and vehicle collisions could reflect more traffic, not more cougars. Increased livestock depredation could be from factors other than more cougars. Cougar populations are self regulating, therefore removal not necessary.

The CMP utilizes a model developed by Keister and Van Dyke (2002) which was peer reviewed and published in a scientific journal. The model is described in Chapter III of the CMP. ODFW has stated that the model is not intended to stand alone, but as described in the CMP and EA, will be utilized along with several other strategies and population indicators to maintain a healthy, viable population of cougars in Oregon (Objective 1). The CMP incorporates adaptive management under which ODFW will continue to assess new information as it becomes available to make adjustments to the plan and to revise population estimates. The CMGWG (2005) suggests that deterministic population models (the Oregon model is a deterministic model) should be used to evaluate effects of management actions and are especially useful in the context of an adaptive approach to management strategies.

66. b. EA does not explain how population has increased while hunter take has increased since dogs banned. No need to remove more since hunters harvest is higher. Too many cougars taken for sport.

Hunter harvest is discussed in the CMP and is outside of the scope of the EA.

66. c. Figure 10 in the EA does not represent the cougar population.

Figure 10 shows non-hunting mortality and is the primary index of increasing conflict levels with cougars.

66. d. CMP should consider new methods for evaluating the cougar population. Lambert study in Pacific northwest provided showing that the model predicted population decline leading to extirpation.

ODFW and WS have considered Lambert et al. (2006). Data from Oregon indicate that observed parameters in Oregon are different than those modeled by Lambert et al. (2006). WS has provided all substantive comment letters to ODFW for their consideration and to determine if new information not previously considered may be used in their assessments. WS' position is that the ODFW has the expertise to best assess and determine the number of cougars in Oregon. Because the Plan has received extensive review, both by peers and through a lengthy public process, and because the CMP incorporates an adaptive monitoring approach, the assumptions used in the CMP to develop the model will not be further evaluated in the WS EA.

67. If disease is the greatest cause of natural mortality, what will happen if the CMP significantly reduces healthy cougar populations and disease increases?

Disease is not expected to increase in a healthy population.

68. Population densities are not out of line with national figures (EA p. 41, 39). Densities are not too high.

Cougar densities are higher than historic levels in Oregon. With higher densities, conflict has also increased. Adaptive Harvest Management, as described in the CMP is designed to reduce conflict which may lead to reducing cougar densities by administratively removing cougars from high conflict areas.

69. Studies cited to support allowable harvest (EA page 43) are too old. Why harvest 30 percent of the cougar population. Harvest has no value.

The studies were presented to show the range of findings from the best available information. There is no proposal to harvest 30 percent of the cougar population in Oregon. The CMP emphasizes managing conflict, not reducing the cougar population. Information is presented in the EA to show the potential effects if that level of cougars were removed.

70. Total take for three conflict areas is only 66 animals, and this is tied to specific conflict situations. Text should discuss that 200 cougars would be removed to meet Objective 1 of the CMP.

Wildlife Services has provided for 200 cougars to be removed annually as a maximum estimate of potential administrative take, if various factors spelled out in Objectives 2 through 5 (EA Section 1.4 and CMP Chapter V), indicate that administrative removal is warranted. The immediate action proposed is in the three management areas where a total of 66 cougars would be removed. If additional removals in these areas or if new areas with high conflict are identified by ODFW through the objectives criteria, the number that may be removed could grow to a total of potentially up to 200 per year. This represents the number of cougars that could be removed by WS and is used to evaluate a worst case scenario (see page 46 under impacts on cougars in the state, and on page 47 under cumulative impacts). Objective 1 does not exist to establish a goal for cougar reduction. It establishes a minimum population guideline to maintain a cougar population far above the number necessary for population viability while the other objectives are being met.

71. Page 45. Removing 165 cougars a year in Zone B from an estimated population of 1,534 annually for five years would affect the population by reducing it by over 20 percent. Will the public need to spend money to rehabilitate the species?

This level of removal is 11 percent per year, and would maintain healthy and viable populations. As per the process identified in the CMP, ODFW will evaluate populations annually and subsequent take will be adjusted to accommodate changes in conflict relative to protective criteria for each Zone.

72. How will damage issues be addressed if younger cougars move into the atypical habitat after cougar removal? Younger cougars may pursue atypical prey. Killing lions increases fecundity and immigration. EA should discuss the possibility that indiscriminate removal may increase conflicts. Citation of CMGWG (2005).

Younger male cougars can disperse into atypical habitat regardless of cougar removal in target areas. Continuing damages in target areas will be treated with the combination of approaches as outlined in the objectives. Administrative removal may continue if prescribed by ODFW. Administrative removal is not expected to increase conflicts. Planned administrative removal is not indiscriminate but is based on

damages and threats and other factors as outlined in the EA in Section 1.4, and the CMP Objectives in Chapter V.

73. Removing 245 cougars a year from Zone E, focusing on females, will leave only 356 animals (after five years) without recruitment. Does not understand how 900 cougar could be maintained in the zone.

As noted in the discussion of effects on the cougar population in Zone E (Section 4.1.1), removing 30 cougars per year (the current proposal) would be two percent of the population in the zone. A worst case analysis is also provided (under a cumulative effects analysis) to show the maximum numbers of cougars that could be removed by all sources and to give flexibility if new information warrants additional removal. Females are not targeted over males in administrative removal. The commenter does not take into account reproduction and recruitment. The hypothetical removal of 245 cougars annually for five years is highly unlikely, but could occur and still maintain the population at levels established in the CMP. The point of showing this highest level of take is to show that the proposed action is likely to have a much lower impact than the worst case scenario, which is set to maintain a viable cougar population in each Zone.

74. Concerns that a low density population in Zone F will be compromised.

Habitat in this zone consists primarily of sagebrush habitats which generally support a prey base at relatively low densities compared to mixed conifer habitats in other zones. See response to comment (EC-10).

75. Table 3 mortality quotas are not under adaptive management, they are maximum. Fifteen percent taken each year represents 75 percent in five years.

Table 3 shows the maximum that can be taken which is 15 percent annually.

76. What is depredation removal of 75 cougars, where does this information come from? Does WS propose to remove 275 cougars?

Depredation removal is a result of an ongoing wildlife damage management program where individual problem cougars have been identified and targeted for removal after a threat or damage has occurred. This type of program will continue to occur and will be in addition to administrative removal. However, depredation removal is considered as part of the cumulative effect on the cougar population and is included in the mortality for the appropriate zone.

77. Questions genetic and demographic viability of 3000 cougars statewide. Proposed action could significantly impact cougar populations.

The CMP establishes that a statewide population of 3000 cougars would be healthy and viable. Within each cougar management zone, a minimum standard is set to maintain viable cougar populations within each zone. Genetic viability was discussed in the CMP.

78. EA should expand on effects on ecosystem from removing a top carnivore, alteration and loss of biodiversity and ecological integrity; mesopredator release, prey of lower predators, and effects on plant species composition. Concerns with bobcats and coyotes replacing cougars and subsequent burden on taxpayer. Agencies should maintain cougar population

sizes that are ecologically effective to ensure against ecosystem degradation, not just strive to maintain minimally viable cougar populations.

See EA Section 3.2 for effects on biodiversity. Section 4.1.2 acknowledges a possible ingress of coyotes and bobcats, but these species are not parallel in the effects of their predation on prey species, nor would all cougars be removed. At the minimum population levels identified in the CMP, the cougar population would exceed minimum viable population levels, therefore, the ecosystem integrity should not be expected to be altered from implementing the proposed action.

79. Disagree that cougar numbers are above historic levels before bounty hunting. No evidence to support.

See CMP Chapter III, Population Modeling and Figure 4.

80. CMP does not use best available science, consider all views, or employ careful planning.

We disagree with these statements for the reasons outlined in the EA. No new information provided. All public comments are being considered.

81. Not meeting harvest quotas does not make administrative removal necessary.

As stated in the CMP and by ODFW, zone-specific quotas are set as the maximum allowable take for a zone and are not used as an objective. Administrative removals are triggered by the level of non-hunting mortality and conflict in a zone, not by the observed take relative to the established quota. Numerous factors outlined under the five objectives in the CMP and EA will allow ODFW to determine, along with information about hunter harvest, whether administrative removal is necessary.

82. Administrative removal will not affect cougar hunting because cougars are too difficult to hunt.

This issue was discussed in Section 4.1.4.

83. The cost benefit ratio needs to be quantified and compared with paying off livestock owners for their losses. References are not specific to cougars and are not objective (USDA source).

A cost benefit analysis is not required by NEPA in an EA. State statute does not provide for compensation to producers for wildlife damages. The EA notes that available economic studies on predation management were not specific to cougars.

84. Objects to using state taxes to fund the program. Who will pay the WS trappers? Disagrees that no federal funds will be used.

Wildlife Services administrative removal would be funded by ODFW with license fees. No general tax revenues would be used.

85. The natural predator prey cycles have been omitted from the plan.

The CMP and the EA address situations that do not fall within the realm of normal healthy predator prey cycles, such as ungulates in a predator pit situation where oscillations in predator prey numbers have been disrupted by other influencing factors.

- 86. Predation on ungulates can be beneficial (e.g. reduced plant destruction, highway deer collisions and lyme disease). EA does not offer data to substantiate claims that cougars are having a negative impact on mule deer or elk. Reductions may be due to hunting or other factors.**

See EA Section 1.2.3 where evidence is provided that ODFW and WS believe warrants administrative removal.

Mountain lion effects on bighorn sheep misleading. Bighorn sheep population reductions due to the presence of humans and livestock. Cougars would not prey on bighorn sheep if livestock were not present due to insufficient bighorn sheep numbers

- 87. See EA Section 1.2.3 for mountain lion predation on bighorn sheep. (See response to issue #27)**

- 88. No evidence to substantiate that administrative removal would resolve conflicts. Cougar Management Guidelines state that this has not been demonstrated to be effective in reducing depredation (CMGWG 2005).**

As printed in the Wildlife Society Bulletin 34:1479.), "The (Western Association of Fish and Wildlife Agencies) does not endorse or otherwise sanction the *Cougar Management Guidelines*. The decision to incorporate *Guidelines* recommendations rests solely with the individual state or provincial wildlife agency." (Reference: Shroufe, D. Western Association of Fish and Wildlife Agencies Comment on Cougar Management Guidelines. 2006. The relationship between levels of total take in an area and levels of conflict has not been thoroughly evaluated. The adaptive management approach outlined in the CMP will address this information need.

- 89. Concerned about traps and snares and risks to humans.**

The EA (Section 3.2) discusses risks to human safety.

- 90. Little is known of dispersal of lions into formerly occupied habitat.**

As described in the CMP, information from Oregon cougar research suggest cougar dispersal in Oregon is similar to that reported elsewhere. Typically, sub-adult males disperse from natal home ranges whereas sub-adult females tend to establish home ranges on or near their natal home ranges.

- 91. EA fails to consider effects of removal on cougar populations in neighboring states. Lambert et al. (2006) showed that cougar populations were declining in Washington and Idaho due to predator control and other human-caused mortality, while complaints were increasing (Lambert et al. 2006). Suggests this could occur in other regions.**

The lower level of removal proposed in the EA would not remove cougars to the extent that populations statewide would be affected. The EA has done a "worst case" analysis, which is unlikely to occur, where the maximum cumulative effect on the cougar population that could occur under full CMP

implementation. The highest level of removal, which is not proposed, would not be sufficient to impact cougar population dynamics in adjacent states. The Lambert et al. (2006) study was reviewed by ODFW prior to completion of the 2006 Oregon Cougar Management Plan. ODFW indicated that Oregon cougar data substantially differed from corresponding data sets used in the Lambert model and thus the study results do not indicate a similar trend for Oregon cougars. The CMP discusses the stability of the cougar population in Oregon.

92. Habitat loss and overkill endanger cougar populations.

Cougar populations are continuing to increase in Oregon.

E. COMMENTS ON THE COUGAR MANAGEMENT PLAN WITHOUT REFERENCE TO THE EA

93. The CMP regards hunting as a primary method of controlling cougars.

The CMP regards administrative removal as one of the methods of helping to control cougar in areas with high levels of conflict in spite of hunter harvest. Administrative removal is intended to be in addition to hunter harvest, not replace it.

F. COMMENTS ON NEPA PROCESS, REGULATIONS AND OTHER LEGAL ISSUES

94. On what basis will cougar management continue into foreseeable future? Who manages wildlife?

By statute, ODFW manages resident wildlife in Oregon on behalf of its citizens. The cougar management plan will be revised every five years. Administrative removal is expected to continue as outlined in the EA and CMP under objectives 1-5, while WS' extended role is also noted in the EA under Section 1.4: The EA will remain valid until Wildlife Services, in consultation with its cooperating agencies, determines that the need for action, issues driving this EA, environmental conditions, or the CMP change substantially. Substantive changes in these areas would trigger the need to review and amend the analysis and involve the public.

95. The EA should be reviewed before the 200 quota is exceeded.

The EA will be monitored to ensure that it is consistent with all applicable laws and applicable CEQ, APHIS, and WS regulations and policies.

96. ODFW did not carefully consider public input on the CMP. Public comments on CMP are not relative to this EA.

WS used public comments on the CMP as part of its scoping process to assist in obtaining information needed in the development of the pre-decision EA. We have provided a specific opportunity for public comment on the pre-decision EA for a 42-day period to ensure that the public had a chance to present new information, or bring up new issues that were not addressed in the CMP or EA.

97. Proactive cougar removal not allowed under WS statutory authority.

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Preventive control is not prohibited under WS' statutory authorities (the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c).

98. EA PDF file security too strong, could not copy, print, or share document.

We regret this difficulty and have taken steps to allow documents to be printed from the website. As indicated in the notice posted on the APHIS website, in newspaper legal notice sections, and in notices mailed directly to interested parties, the EA was also available to anyone who wished to request a copy from the WS originating office.

99. Must prepare an EIS. EA is not adequate and must be withdrawn. EIS necessary to accurately consider impacts on cougar populations, biodiversity, and human health and safety. EIS needed since activities involved federal agents on federal lands and could directly or indirectly take T&E species, or candidate species (Pacific fisher).

Based on the analysis of impacts in the EA, and a thorough review and consideration of public comments, as shown in this comments and responses document, we have concluded that the proposed action is not a major federal action significantly affecting the human environment, and therefore we have issued a Finding of No Significant Impact, and an EIS will not be prepared. Federal actions do not in and of themselves trigger the need to prepare an EIS. Wildlife Services has prepared the EA and attached FONSI in accordance with the Council on Environmental Quality National Environmental Policy Act regulations, USDA and APHIS implementing regulations, and WS NEPA policies and guidance. Effects on non-target species including threatened and endangered species are discussed in the EA in Section 4.1.2 and a consultation with the USFWS was included in the EA as Appendix A (Informal consultation on Wildlife Services' proposed cougar control activities in support of the 2006 Oregon Cougar Management Plan (13420-2007-I-0073)).

100. CMP has not undergone NEPA analysis, therefore WS must not implement any part of CMP. WS's EA is a connected action to the ODFW CMP therefore the entire CMP must be evaluated under NEPA. Reference to 40 CFR Section 1508.25. CMP may not be legal because it has not yet been fully evaluated under NEPA.

WS has followed its agency NEPA regulations and procedures for the EA as it relates to the Oregon CMP. The expected results of closely related actions in the CMP including hunting and non-hunting mortality, and administrative removal by sources other than WS were included under the cumulative effects analysis in the EA. NEPA does not apply to state agencies.

101. WS fails to disclose scientific controversy. Peer-reviewed literature shows that indiscriminate killing of cougars will not decrease conflicts. References made to literature list in comment letter, but no individual studies/papers specified.

Cougar populations that will be targeted for administrative removal will be limited to those situations outlined in the five objectives, and as such is not indiscriminate. Long term damage situations may or may not be permanently resolved, but short term damage situations can be minimized by proactive administrative removal. Section 4.1.5 in the EA notes that there is considerable evidence that predation management, including removal of predators prior to any damages occurring, is effective, as well as cost

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effective (USDA 1997, revised, Schwiff and Merrill 2004, Bodenchuk et al. 2003, Wagner and Conover 1999, GAO 2001).

102. EA does not discuss all cumulative impacts. Prey species will become overly abundant in the absence of predators leading to a decline in forage and eventual population crashes including affect on Wilderness, Wilderness Study Areas, and tribal lands. CMP and EA drastically underestimate the numbers of cougars removed by current WS employees. Cougars are vulnerable to population pressures, the cumulative threats to cougars could lead to local extirpations.

The number of cougars that are removed by WS personnel was included in the cumulative impacts analysis section in Chapter 4. See also response to comment 78.

103. EA fails to consult on T&E plant species, therefore ODFW violated the ESA. EA fails to formally consult on T&E animal species, therefore WS violates the ESA. Could impact listed and candidate plant species. Could impact Columbia white-tailed deer due to competition from increases in the number of other ungulates. WS only consulted on wolves and lynx. Formal consultation is needed on CMP and the EA.

Formal consultation is not required if an action is not likely to adversely affect listed species, or if an action would have no effect on listed species. WS has made the determination that its program effects would fall within these two categories, and has undergone informal consultations with the USFWS accordingly, for species that may be affected. Compliance with the Endangered Species Act is discussed in the EA in Section 4.1.2.

104. CMP does not follow state policy to maintain all species of wildlife at optimum levels.

Oregon Revised Statute 496.012 directs the Fish and Wildlife Commission to implement co-equal goals for wildlife including maintaining all species of wildlife at optimum levels providing optimum recreational benefits, and to regulate wildlife populations in a manner compatible with the primary uses of the land. Recognizing that "optimum levels" are often not maximum numbers; managing wildlife with these goals in mind is often a matter of compromise. To manage each wildlife species for maximum populations would often not be compatible with primary uses of the land or other wildlife species.